

SECOND REGULAR SESSION

SENATE BILL NO. 1243

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5346S.02I

AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting arrest, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 575.150, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the crime of resisting or interfering with
2 arrest, detention, or stop if, knowing that a law enforcement officer is making an
3 arrest, or attempting to lawfully detain or stop an individual or vehicle, or the
4 person reasonably should know that a law enforcement officer is making an arrest
5 or attempting to lawfully detain or lawfully stop an individual or vehicle, for the
6 purpose of preventing the officer from effecting the arrest, stop or detention, the
7 person:

8 (1) Resists the arrest, stop or detention of such person by using or
9 threatening the use of violence or physical force or by fleeing from such officer;
10 or

11 (2) Interferes with the arrest, stop or detention of another person by using
12 or threatening the use of violence, physical force or physical interference.

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants [and to];

15 (2) Arrests, stops, or detentions, for any crime, infraction or ordinance
16 violation; or

17 (3) **Any arrest, stop, or detention, for any warrant issued by a**
18 **court of record or by a probation and parole officer.**

19 3. A person is presumed to be fleeing a vehicle stop if that person

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 continues to operate a motor vehicle after that person has seen or should have
21 seen clearly visible emergency lights or has heard or should have heard an
22 audible signal emanating from the law enforcement vehicle pursuing that person.

23 4. It is no defense to a prosecution pursuant to subsection 1 of this section
24 that the law enforcement officer was acting unlawfully in making the
25 arrest. However, nothing in this section shall be construed to bar civil suits for
26 unlawful arrest.

27 5. Resisting or interfering with an arrest for a felony is a class D
28 felony. Resisting an arrest, detention or stop by fleeing in such a manner that
29 the person fleeing creates a substantial risk of serious physical injury or death
30 to any person is a class D felony; otherwise, resisting or interfering with an
31 arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of
32 this section is a class A misdemeanor.

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Bill

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